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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,919	09/27/2001	Ram Baboo Gupta	01005-00	3204
75	590 06/09/2003			* *
James A. Jubinsky, Esq.			EXAMINER	
Cytec Industries Inc. 1937 West Main Street			BALASUBRAMANIAN	i, VENKATARAMA
Stamford, CT 06904-0060			ART UNIT	PAPER NUMBER
•		•	1624	<i>i</i> 2
			DATE MAILED: 06/09/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Examiner		Application No.	Applicant(s)				
Examiner	•		GUPTA ET AL				
-The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 02 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed damendment with places the application in condition for allowance; (2) a timely filed of large (1) and the places of the application in condition for allowance; (2) a timely filed of large (1) and the places the application in condition for draph explices 3 monts from the mailing date of the Advancy Action, or (2) the date set forth in the final rejection. **PERIOD FOR REPLY** (check either a) or b) The period for reply explices 3 monts from the mailing date of the Advancy Action, or (2) the date set forth in the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension and the corresponding amount of the ex. The section of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension and the corresponding amount of the ex. The section of time under 37 CFR 1.17(a) is calculated from (1) the explication date of the period of extension and the corresponding amount of the ex. The extension and the corresponding amount of the ex. The extension of time under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension and the corresponding amount of the ex. The extension and the corresponding to the final Propriate extension. (2) a Notice of Appeal was filed on	Advisory Action		Art Unit				
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Application/Control Number: 09/964,919

Art Unit: 1624

ADVISORY ACTION

The response filed on 6/2/2003 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance for the following reasons.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy et al. US 3,118,887for reasons of record.

Applicants' argument to over come this rejection is not persuasive. Following apply.

First of all, the declaration of Dr.Gupta is not entered and not considered as it does not meet the timeliness criteria set forth MPEP 716.01, which states "Evidence traversing rejections must be timely or seasonably filed to be entered and entitled to consideration. In re Rothermel, 276 F.2d 393, 125 USPQ 328 (CCPA 1960). In the instant case the additional data is not timely as it is filed after final rejection and does not meet the requirement of 37 CFR 1.116(b).

Secondly, contrary to Dr. Gupta's urging that the examiner is incorrect in assuming the equivalency of mono and tris(2-hydroxynapthyl)-triazine, the teaching of Hardy clearly includes asymmetrical trisubstituted triazine as emphasized before in the previous office action and the fact that trisubstituted triazines are exemplified is more than enough for one trained in the art to make both symmetrical and asymmetrical triazine in view of the utility taught therein. Thus there is clear-cut equivalency teaching among the symmetrical triazines exemplified and those taught generically in the reference. The assertion of Dr. Gupta that the UV absorbance of the said compounds

Application/Control Number: 09/964,919

Art Unit: 1624

although have the same wavelength range, differ in their extent of absorbance in the selected wave length region and therefore lack equivalency is technically incorrect.

Finally, applicants' assertion that Hardy et al. did not suggest that striking difference between the mono and tris(2-hydroxynapthyl)-triazine and therefore one would not motivate make the mono compound is also lacks factual basis. UV absorbance or lack thereof is an inherent property of a compound. Hardy teaches use of the both symmetrical and asymmetrical compounds as UV absorbers. Thus one, trained in the art would be motivate to make both symmetrical and asymmetrical compounds and expect them to be UV absorbers.

Hence based on the factual inquiry, the rejection is still deemed as proper and is maintained.

Conclusion

Any inquiry concerning this communication from the examiner should be addressed to Venkataraman Balasubramanian (Bala) whose telephone number is (703) 305-1674. The examiner can normally be reached on Monday through Thursday from 8.00 AM to 6.00 PM. The Supervisory Patent Examiner (SPE) of the art unit 1624 is Mukund Shah whose telephone number is (703) 308-4716. The fax phone number for the organization where this application or proceeding is assigned (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Application/Control Number: 09/964,919

Art Unit: 1624

Page 4

VS V. Balasubramanian

6/6/2003

MUKUND J. SHAH

SUPERVISORY PATENT EXAMINER

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